

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA *ex rel.*
CORI RIGSBY AND KERRY RIGSBY

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06cv433-LTS-RHW

STATE FARM MUTUAL INSURANCE COMPANY, *et al.*

DEFENDANTS

ORDER

On April 28, 2009, this Court entered an [286] Order dismissing Count V of the Amended Complaint as to defendants E. A. Renfroe & Company, Inc., Gene Renfroe, and Jana Renfroe (collectively Renfroe). According to the parties, it was not necessary that the United States consent to the dismissal of this particular count.

On the same day, the Court entered an [287] Order associated with the Relators' [284] motion to voluntarily dismiss Counts I through IV of the Amended Complaint as to Renfroe. The government's consent to the dismissal of these counts is required. The Court allowed the United States fifteen (15) days from April 28 to make any objection to Renfroe's dismissal. If no timely objection were made, it would be deemed that the United States consented to the requested relief.

On May 14, 2009, the United States filed its [313] Notice of Consent to the dismissal of Renfroe. The consent is conditioned on the dismissal being without prejudice to the United States.

Accordingly, **IT IS ORDERED:**

The Relators' [284] Motion to Dismiss Counts I Through IV of the Amended Complaint as to defendants E. A. Renfroe & Company, Inc., Gene Renfroe, and Jana Renfroe is **GRANTED**. The Court hereby dismisses **WITH PREJUDICE** as to Relators and **WITHOUT PREJUDICE** as to the United States of America all claims asserted against defendants E. A. Renfroe & Company, Inc., Gene Renfroe, and Jana Renfroe under 31 U.S.C. § 3729(a). Each party shall bear its own costs and attorneys' fees;

In light of the dismissal of these defendants, the following motions are rendered **MOOT**: [115], [179], and [181].

SO ORDERED this the 18th day of May, 2009.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE